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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

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In the Matter of

Closed Captioning and Video Description  
of Video Programming

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MM Docket No. 95-176

NOTICE OF INQUIRY

COMMENTS OF GERALD DOMINICK  
IN THE NOTICE OF INQUIRY REGARDING CLOSED CAPTIONING AND VIDEO DESCRIPTION

To The Commission:

GERALD DOMINICK is writing in response to your request for comments in the "Notice of Inquiry", FCC 95-484, in the above-captioned proceeding, released December 4, 1995.

The Commission seeks to assess the current availability, cost, and uses of closed captioning and video description, and to assess what further Commission actions may be appropriate to promote these services. It also seeks comment on the appropriate means of promoting the services wider use in programming delivered by television broadcasters, cable operators, and other video programming providers.

Gerald Dominick has been Chairman of the Captioning Issues Committee of the Greater Los Angeles Council on Deafness (GLAD) Council of Organizations, member of Self Help for Hard of Hearing People (SHHH), and a captioning advocate for over eight years. He is also a member of the National Association for the Deaf (NAD) Telecommunication Committee. In these capacities, he has been very successful in persuading broadcast and cable networks, syndicators, distributors and producers to caption their shows. He has worked closely with television stations to caption their local news as well as in times of emergencies. He has spent time attempting to raise money for sponsorships of captioning programs.

In addition, he writes a column for Silent News about captioning, monitors various computer list to respond to captioning questions and difficulties and is in constant touch with major captioning agencies.

# 9 - Television plays a greater role among deaf and hard of hearing people because of the inability to enjoy the benefits of nonvisual devices such as radio. It is absolutely essential and necessary that television be an equal playing field so those having hearing loss are able to take full advantage of this medium. While other groups benefit from captioned television programs, it is primarily to people with hearing loss that television must be made completely accessible.

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# 11 - The number of hard of hearing people is over 26 million. However, this number is increasing rapidly because of three reasons. One is that as the population ages, the number of people with the potential for hearing loss increases; Two, the increased exposure to noise, which is the leading cause of hearing loss; and Three, the rapid increase in the number of people under thirty with hearing loss due to excessive exposure to extremely loud music. The number of deaf people is estimated to be about 4 million.

# 12 - To this base of over thirty million people who need captioning, you add other individuals who use and have benefited from captions such as people for whom English is a second language, people with learning difficulties and children learning to read. The total number is incalculable.

But this shouldn't be about numbers. If it was only 10 million people, society needs to and benefits when they are included. For people with any hearing loss, captions is just the beginning of equalizing the playing field.

We are already receiving reports from hearing people who have benefited from the decoder circuitry television set and captioned programs. They were able to watch TV while family members slept and other activities were going on in the room as well as understand what people with an accent were saying. In commercial establishments the TV could remain on without disturbing anyone. This is also true for hospitals, nursing homes, hotels and apartment buildings to name a few.

In short, captioning benefits everyone.

# 14 - **PROGRAM SOURCE** - Broadcast networks such as ABC, NBC and CBS have almost 100% of all their network originated shows captioned. However, syndicated shows on these network owned and operated affiliates are not all captioned. These networks with Fox and United Paramount Network (UPN) have agreed to 100% captioning during prime time. WB Network does not have this commitment.

The basic cable networks are a different story. With the exception of CNN, Headline News and USA, there isn't any commitment to captioning. Other networks only caption programs because of government grant or sponsor money being available. Some even refuse free captioning. In fact, it is difficult getting them to reformat the captions on a captioned show that had to be reformatted for the cable network. This cost is about one-fourth the original. The reason so many shows are getting captioned on cable is because of government money.

While the total number of cable shows that are captioned increases every year, the percentage of captioned shows remains small because the number of cable networks and shows have been increasing rapidly.

The premium cable networks have a greater commitment toward captioning. HBO has their own captioning department and has made a commitment to eventually having everything captioned.

Locally produced programs have the greatest obstacles toward captioning. These shows have the least funding availability, lack of captioning knowledge and lack of access to captioning equipment.

Cable systems retransmit what is sent to them. The shows must be captioned at their point of origination. Cable systems shouldn't have to caption shows that they retransmit. This is the responsibility of the shows originators. However, cable systems should have two responsibilities: that any shows that originate with them be captioned and that they take steps to be sure the retransmission process doesn't strip the captions.

Home videos are a very frustrating area for all of us. While almost all of the "A" categories and most of the "B" categories are captioned, the percentage of home videos that are captioned have remained the same or have dropped as videos in other categories increased. Particularly frustrating is when a video is marked that it is when it isn't.

While the national news and emergencies carried by the broadcast networks are captioned thanks to the Department of Education grants, the same is not true for local news and emergencies. Those who do have captioning have had to struggle to find a sponsor.

The problem is cost. While real time or live captioning is cheaper than off-line captioning, the cost is about the same whether you do it nationally or locally. There is more value for the dollar when done nationally. Yet, the greatest need is probably on the local level.

**PROGRAM TYPE** - The electronic newsroom which at one time seemed to be the answer to the captioning problems for local news has turned out to be the opposite. The local station which made an initial investment for equipment and software, feels their commitment ends there. They don't want to spend any more money on captioning. Yet, no one with a hearing loss is satisfied with this system. While it might be better than nothing, very often the whole news story is left untold as they switch to the field for half the story. Anything in the field, live, weather and sports are uncaptioned. This is about half the broadcast. Emergencies remain uncaptioned. No one has the time, staff or patience to script the emergency on the computer so it can be transmitted with captions. Much of these broadcasts are spontaneous. The only way to have captions is for it to be real time captions.

While it is feasible for networks or local stations to have captions done on site, it is cheaper, easier and more reliable to use an agency dedicated to it. The captioning agency usually has access to more staff and equipment and in many cases at different locations. The broadcast station may have as many as two or even three people, usually it is one, who can type the captions but during a local emergency none of them may be able to make it to the station because of the emergency.

Captioning agencies can utilize people in areas that are not affected and if telephone lines are down some can switch to satellite. If one agency is unable to fulfill its commitment, they can ask another agency for help.

An exception to this may be any network that does 24 hour news coverage. At the moment this is CNN, Headline News and CSPAN. They have enough work to have their own captioning facility. There will be at least two other 24 hour news networks in the near future. They too may benefit from doing their own captioning.

It is shocking that only some of CSPAN is captioned. This government channel should have 100% captioning. Any government channel or broadcast - national, state or local should be completely captioned.

In addition, all commercials on television should be captioned. It is ludicrous that a sponsor will spend anywhere from a few thousand dollars for local spots to millions of dollars for national exposure and not spend about \$300 to caption it. The American Association of Advertising Agencies has urged its members to encourage their clients to caption. Some agencies never even mention it.

Furthermore, included in the concept of everything on television being captioned are announcements, trailers, highlights and previews.

Another problem area is voiceovers. Many shows that are captioned now are done on the

unsweetened version. When the producer adds in extras and make changes, it results in voiceovers being uncaptioned and portions with no or bad captions. They need to let the captioning agency know that they are making these changes so they can be captioned. It is a must that everything on the final, sweetened, version be captioned.

Computers and television will be merging so that your television screen will be your computer monitor. Online movies, live video broadcast and CD-ROM should all have captions.

Another concern is that to save money, some stations might resort to real time captioning of offline shows, such as sitcoms, movies, etc., to save money. If this happens, some of the advances made through TDCA will be negated since all the captions will be scrolled.

**PREVIOUS PUBLISHED PROGRAMMING** - Previously Published Programs have a greater rate of being captioned if they were captioned originally. If a show was captioned on the first run, the cost of reformatting the captions because the show was reformatted is about one-fourth the original cost. Yet, many of these shows are not captioned when they are rebroadcast on cable or independent stations.

The Department of Education grants have been most helpful in getting previously published programs captioned that never were.

**# 18** - The cost of captioning has decreased as competition has increased. It is minuscule compared to the total cost of the program. Besides staffing, rent, salaries and other cost associated with a show, there are the cost of video and sound equipment with the professionals to operate them. They are considered an essential element of producing a show.

The same attitude needs to be developed with captioning. It needs to be considered an essential part of every program. It needs to be part of the operating costs. No one is going to put a show on the air without proper lighting or excellent sound. The same should be true for captions.

**# 19** - There is an adequate supply of people to do captioning. Over the past few years, there has been an increase in staffing at existing captioning agencies and an increase in the number of captioning agencies.

There are many small captioning agencies springing up to handle local broadcast and commercials as well as filling a need for captionwriters at local schools and businesses. The latest trend is to use real time captioners with their equipment to transmit messages over the internet for live television broadcasts or conferences instead of using the computer keyboard.

The biggest concern for the future is not whether there will be enough captionwriters and agencies to provide the needed services but the quality of those captions. There should be standards for real time captionwriters including a minimum rate of 250 wpm and almost perfect error rate. Off line captioning should contain no errors.

**# 20** - Thanks to the Department of Education grants and to efforts by the private sector, there has been a tremendous increase in the number of captioned programs. As rapid as this has been, it is not enough. Too many shows that were captioned on the broadcast networks are not captioned when reformatted for cable. Too many local news broadcast are not captioned. Too many emergencies are not captioned.

In short, every program on television, cable, direct television, must be captioned. There should be no excuse for not captioning. It is time to allow deaf, hard of hearing and other people who depend on captioning feel a part of society. Everyone benefits.

There is only one way, as I see it, to make this a reality without hurting anyone. Captioning cost must be considered as part of the originators operating cost just like video and sound is now.

The cost of captioning, which is under \$1500 for an hour show done offline and from \$150 - 800 for live captioning, is negligible especially when compared to the entire cost of a program.

The cost of captioning locally produced programs such as emergency news coverage, local news, sporting events and parades can be recouped through adjusting the advertising rate, grants, and/or special sponsorship. In the case of locally produced programming, the station is the originator and solely responsible for the captioning.

Program providers will either have to absorb the cost of captioning or raise their rates slightly.

**# 21** - The role of government in funding captioning needs to change. It is not possible nor feasible, especially in the current political climate, for government to finance captioning at current or greater levels which would be needed if everything had to be captioned. The answer must come from the private sector. The only answer, as I see it, is for the originators of programming to pay for it.

There is one area where I wish government money was available. This is for captioning of local emergencies. I wish there was a way for local stations to know that if they caption during an emergency they would be reimbursed.

Extensive coverage means loss of revenue for stations. Many local stations are struggling as it is. When a disaster strikes and they fulfill their duty to the community with live coverage, they lose money. It makes it harder for them to provide captioning. One event or even two might not be enough to sink a station. But certain areas of the country have more than their share of disasters, Los Angeles area for instance. Many smaller stations that would like to broadcast during emergencies may not do so deferring to other more viable and bigger stations.

**# 22** - According to the Electronic Industry Association, the number of television sets sold in the United States, 13 inches or larger, is about 20 million a year. This would mean that over 50 millions sets have been sold since TDCA became effective. By the time any regulations go into effect mandating captioning, the number of decoder equipped television sets will be about 80 million.

**# 23** - There has been a noticeable change in the attitude of people who I have been in contact with while doing captioning advocacy. Where the comments used to be "What is captioning?" and "Who benefits from it?", now it is "Where can I find someone to caption?" and "What is the costs?".

This change of attitude is attributed to the enactment of TDCA. Captioning awareness has greatly improved and the recognition that there is a sizable group of people who need and benefit from captioning is now understood. The appreciation that these individual can have an impact on ratings and product consumption is appreciated.

**# 27** - The responsibility for being sure that programs are captioned must fall with television stations, the networks and other delivery systems along with the originators of programming. Originators must be sure that it is captioned just like they have to be sure that video and sound functions as it should. The stations, networks and other delivery systems must be sure that the product they transmit is captioned.

Everyone needs to understand that captions must be an integral part of programming as is video

and sound. Just as delivery systems and providers now have an understanding as to the nature and quality of the programming, it should be both their responsibilities to be sure that captioning is included. It is just one more item to be included in their negotiations and contracts. Who does it and who pays is the subject of negotiation between the delivery system and the program providers.

Each delivery system must have the means to monitor the status of captions as it is transmitted. Ideally such a monitor needs to be in the control room. Captioning problems go unnoticed until someone calls complaining. They are usually surprised because they have no way of monitoring its status. No program, for which captioning is required, should be allowed to be broadcast without the captions.

**# 29** - Programming that uses no sponsors such as some public access programs should be the only ones allowed possible exemptions from these regulations. The cost of captioning is so minuscule that it should not be considered an unreasonable financial burden except under the strictest of circumstances. Noncommercial programs such as those found on PBS and public access channels have sponsors.

If exemptions are granted too freely then we have for that community, a group of people who won't be able to participate in enjoying those programs.

**# 30** - The danger of set formulas especially based on percentages is that it encourages creative bookkeeping.

**# 31** - Any exemptions has the danger that a group of people won't be able to enjoy that activity and be less than a full partner in that community.

Existing contracts can be amended to include captioning. The cost of captioning is so insignificant that existing contract should not be used as an excuse for not captioning. I doubt if any existing contract says that they will not provide captioning. More likely than not, it is silent.

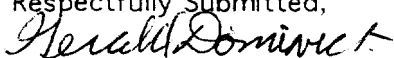
**# 34** - Mandatory captioning on all new programs and for previously published programming that had captions but don't now should become effective immediately when these regulations are issued. Reruns should be given two years to be captioned or immediately if reformatted or remastered. Emergencies and local news broadcast should have 90 days to have real time captioning.

All new home videos should be captioned effective immediately. Existing videos should have five years to be captioned except if remastered or reformatted at which time it would be immediate.

**# 35** - When standards are set for captionwriters and captioning, market forces will affect the price. Captioning cost should be treated the same way any other cost for programming is treated. Nothing in these regulation should affect any agreements about cost sharing. The regulations should mandate captioning and allow those responsible to deal with how they want to meet that responsibility.

In conclusion, everything on television should be captioned with the broadcaster and the provider equally responsible for it happening. No program should be allowed to be broadcast without captions. The cost of captioning is so minuscule that exemptions should be at a minimum, if at all. Of what use is having the TDCA if we don't have the captions.

Respectfully Submitted,

  
Gerald Dominick